

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 10, 2003 PLANNING COMMISSION MEETING

P.A.S.: County Special Permit #205

PROPOSAL: David L. Samani has requested a special permit to construct and operate a Recreation Facility (motor cross track club).

LOCATION: Generally located at the northwest corner of SW 84th Street and Kolbrook Road

LAND AREA: A 72 acre portion of 138.27 acres, more or less

CONCLUSION: This request complies with the requirements of the Zoning Regulations and the intent of the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 2, 9, and 10 I.T and the NW 1/4 of the NE 1/4 all in Section 34, Township 9 North, Range 5 East of the 6th P.M., Lancaster County.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Pasture and trail bike course. This had been a "friends and family" use of the land prior to this application.

SURROUNDING LAND USE AND ZONING:

Agriculture on all sides. One residence to the west and one on the east side of the track. Zoned AG Agriculture on all sides.

COMPREHENSIVE PLAN SPECIFICATIONS: In Conformance. This shows as Agricultural on the County Land Use Plan. The zoning provides a special permit for the recreational use in the agriculture district.

HISTORY: Changed from AA Rural and Public use to AG in the 1979 zoning update

TOPOGRAPHY: Rolling and wooded. Draining to the northwest.

TRAFFIC ANALYSIS: Kolbrook Road is a half mile line gravel county road. SW 84 along the east edge of this application is a gravel county road to the north of Kolbrook. It is a dirt road to the south of 1/4 mile of Kolbrook. Saltillo Road and Rokeby Roads do not extend through and are dirt roads to the east. SW 96th to the west is paved, connecting Denton to Hwy 33 and Crete to the south and southwest. Using the pavement of SW 96 and accessing the site from the west would be expected for most traffic.

PUBLIC SERVICE: This is in the Southwest Rural Fire District and the Crete and Rokeby School Districts. This is served by the Lancaster County Sheriff's Department.

REGIONAL ISSUES: Location of activity centers. Noise, traffic, dust and other environmental issues.

ENVIRONMENTAL CONCERNS: The Historic and Ecological Resources survey shows native hay on this site. Other native prairie are in the immediate vicinity across SW 98 to the west and in Spring Creek Prairie to the south. An Historic trail crosses about one half mile to the south. The soil rating on this land is 6.75 on a scale of 1 to 10 where 1 is the highest and a rating of 1-4 is prime agriculture land. This is not prime ag land. This land has creek bottoms and wooded riparian areas. Some flood plain is noted on the bottom land. There were no feed lots or other potential hazards noted in the area.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: All uses permitted by the AG district. Dwellings at one per 20 acres.

ANALYSIS:

1. This request is for a special permit under Article 13.001 (21). Recreation facilities are defined as:

2.103. Recreational Facilities. Recreational facilities shall mean facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include areas or stadia used primarily for spectators to watch athletic events.

2. The applicant describes the proposal as follows;

- ! This would include a track, maintenance building and parking area
- ! This would be restricted to members and their guests.

- ! This is proposed to be open from noon to 8 PM, 7 days a week.
- ! Expected use would be 4 - 8 persons per day on non - race days and 40 - 50 persons per day on race days.
- ! Eight races are anticipated per year.
- ! Access would be from the south property line, abutting Kolbrook Road.

3. Water is proposed to be by well.
4. Sewage treatment is not described. Restrooms are to be provided.
5. The Health Department notes in their memo of November 19, 2003;
 1. The onsite wastewater treatment system serving the proposed restrooms must comply with County Resolution 02-30, a Nebraska Department of Environmental Quality permit may be required.
 2. The water well serving the property may need to comply with The Nebraska Safe Drinking Water Act.
 3. The LLCHD has concerns regarding noise pollution. Lancaster County does not currently have a noise resolution, Lincoln Municipal Code 8.24 Noise Control Ordinance does provide guidance on what are acceptable noise levels for Lincoln's residents. See the table below for the sound levels for the receiving land-use. The LLCHD strongly recommends that mufflers and spark arresters be used at all times, including races, to help minimize noise pollution from the off-road vehicles.

Receiving Land-Use Category	Time	Sound Level Limit in dB(A) Maximum Ten Minute Leq Level
Residential	7:00 a.m. - 10:00 p.m. 10:00 p.m. - 7:00 a.m.	65 55
Noise-Sensitive Zone or Agricultural Residential	7:00 a.m. - 10:00 p.m. 10:00 p.m. - 7:00 a.m.	50 60
Commercial or Business	At All Times	70
Industrial	At All Times	75

Agricultural	6:00 a.m. - 10:00 p.m.	75
	10:00 p.m. - 6:00 a.m.	50

4. The applicant must also comply with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32.
5. If fuels, oil, antifreeze, or other lubricants will be stored on-site, the LLCHD recommends that the applicant install secondary containment.
6. Barriers such as old tires, etc. could be a potential problem by providing a suitable mosquito breeding habitat. The LLCHD recommends selecting barriers and designing, constructing, and maintaining storm water structure(s) and drainage way(s) to minimize the harborage and breeding of mosquitos.
6. The County Engineer is not familiar with the Club operation and could not offer recommendations.
7. Potential impacts of this type of activity could include noise pollution, traffic and road impacts, water and waste water for the users, runoff and water quality. This location is rather remote and removed from most other development.

STAFF RECOMMENDATION:

Conditional Approval

GENERAL CONDITIONS:

1. This approval permits a recreation facility being used as a restricted off-road riding club. The facility shall be limited to the following:
 - a) Hours of operation from noon to 8 PM, 7 days a week.
 - b) No more than 45 persons per day.
 - c) No more than eight race days per calendar year.
 - d) Access shall be limited to the south property line, abutting Kolbrook Road.
 - e) The facility shall be non - illuminated
 - f) The facility shall follow the noise standards of L.M.C. 8.28 (75db).
 - g) All motorized vehicles on the site shall have mufflers.
 - h) All race vehicles shall have spark arresters.
 - i) The facility shall follow best management practices for runoff control, as approved by the Lower Platte NRD.
 - j) The facility shall enter into an agreement with the Lancaster County Engineer for road maintenance between the facility entrance and SW 98th Street.

- k) Signs shall be posted on the site that access shall be via SW 98th street to the west, not east via Kolbrook and SW 86th.
- l) Tires and similar barriers, if used, shall be managed for mosquito control.
- m) Air pollution and dust shall meet the Lancaster County Air Pollution Regulations.
- n) All parking shall be on the site.

2. Prior to the issuance of building permits:

- 2.1 Provide a revised site plan clearly showing the boundary of the site and envelopes for the buildings, track and other of activities. The site plan must be found acceptable by the Planning Department and will be the approved site plan for this permit.
- 2.2 All buildings shall meet building code and have permits.
- 2.3 All applicable Health codes shall be complied with.
- 2.4 All applicable State and Local health codes shall be complied with.
- 2.5 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:

- 3.1 Before occupying/operating this recreation facility, all development and construction shall have been completed in compliance with the approved plans.
- 3.2 Before occupying/operating this recreation facility, the City-County Health Department shall have approved the water and waste water systems for this use.
- 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.4 The County Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Mike DeKalb, AICP

Planner
November 26, 2003

APPLICANT: Dr. David L. Samani
2504 Ridge Road
Lincoln, NE 68512
(402) 430-9708

OWNER: David L. Samani a married person

CONTACT: David L. Samani
(402) 430-9708



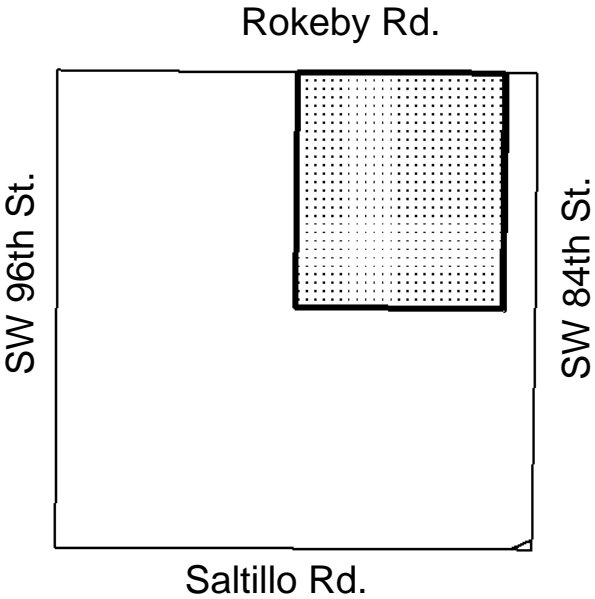
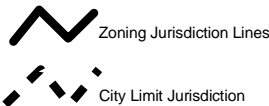
2002 aerial

County Special Permit #205 **9600 Kolbrook Rd.**

Zoning:

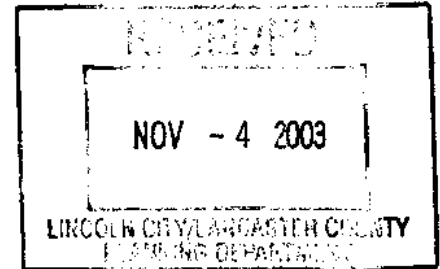
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 34 T09N R5E



Dr. David L. Samani, Inc.

BryanLGH West Medical Plaza
2222 South 16th Street, Suite A200
Lincoln, NE 68502
Phone (402) 323-7260
Fax (402) 323-7266



October 17, 2003

Mike DeKalb & Members of the
Lincoln-Lancaster County Planning Department
555 S. 10th St., Suite 213
Lincoln, NE 68508

Gentlemen:

My name is Dr. David Samani. I am an orthopedic surgeon in the City of Lincoln. I have 72 acres of land purchased at 9600 Colbrook Road, two miles south of Denton off the blacktop between Denton and Crete. I am planning on establishing an off-road riding club by the name of Husker Off-Road Riding Club. This will encompass use of the 72 acres plus a building that will encompass a shop for maintaining several tractors and equipment to maintain the land. The land will be owned by a limited liability corporation referred to as Husker Off-Road Riding Club. This club will be for recreational purpose, operated primarily for profit. This club will be restricted to members and their guests using the facility. I am applying for a County Special Permit in this regard for recreational facilities. The land is currently zoned as ag land and we are asking for a permit for special uses. This would fall under Paragraph 4.007, Subsection B pertaining to Recreational Facilities and Subsection Q for Clubs and Semi-Public Buildings, Resolution Number 3569 dated March 10, 1981.

The hours of operation will be from 12:00 p.m. to 8:00 p.m. Monday through Sunday. I am estimating the number of races per year at eight and the estimated number of people per day during non-race days at 4 to 8, and estimated number of people during race days at 40 to 50. I have secured the neighbors signatures indicating no objection to the operation of this track. I have also enclosed a legal description of the land and its area.

The land will continue to be maintained in a satisfactory condition with no destruction of existing trees or contour of the land itself.

Should you have any questions, please don't hesitate to contact me at any time.

Sincerely,

David L. Samani, M.D.

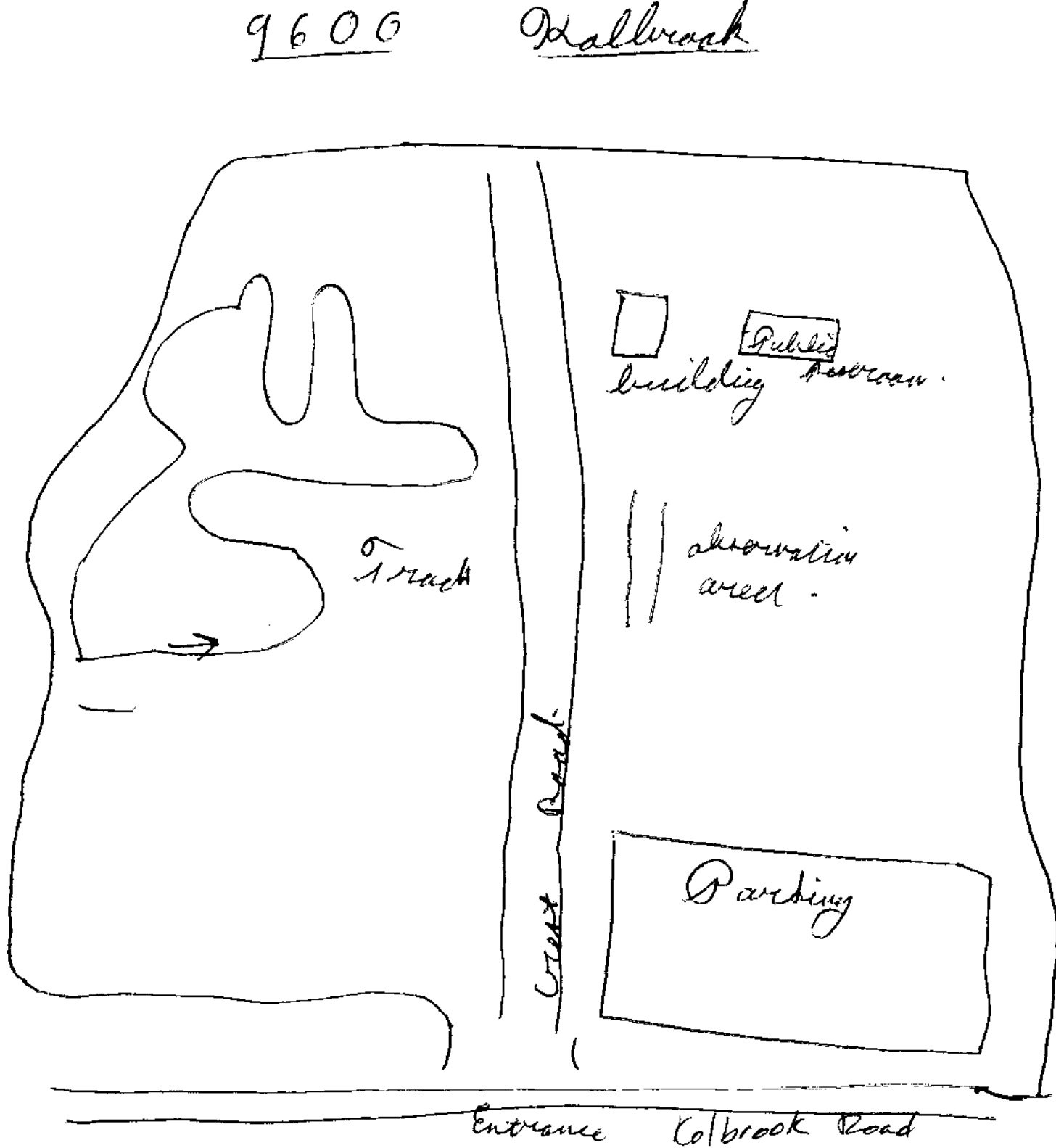
DLS:kab

Dr. David L. Samani, Inc.

BryanLGH West Medical Plaza
2222 South 16th Street, Suite A200
Lincoln, NE 68502
Phone (402) 323-7260
Fax (402) 323-7266

42

45 47708 MS



540 W. INDUSTRIAL LAKE DR.,
SUITE 1 - LINCOLN, NE 68528
(402) 476-3020
(402) 476-3138 FAX

SURVEY RECORD
K&M *inc.*
Land Surveying

DR. DAVID SAMANI

PROJECT # 0310098

DATE: 10/21/03 B/P: 135-25

Survey Of: TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF

Section: 34, T 9 N, R 5 E, of the 6th P.M. LANCASTER County, Nebraska

KOLBROOK ROAD

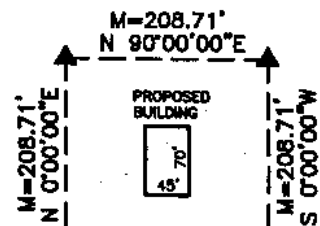
Building Location

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF LOT 2 IRREGULAR TRACT, PART OF LOT 9 IRREGULAR TRACT, PART OF LOT 10 IRREGULAR TRACT, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 5 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 34, THENCE ON THE SOUTH LINE OF THE NORTHEAST QUARTER, ON AN ASSIGNED BEARING OF N 89°36'23"E, A DISTANCE OF 1387.88', THENCE N 0°00'00"E, 1148.69' TO THE POINT OF BEGINNING; THENCE S 90°00'00"W, 208.71', THENCE N 0°00'00"E, 208.71', THENCE N 90°00'00"E, 208.71', THENCE S 0°00'00"W, 208.71'. TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 1.00 ACRES, MORE OR LESS.

SCALE 1" = 200'



Parking

- C 1/4 CORNER, 34-9-5
Fd. LAN. CO. SURVEY MARKER
1) #5 REBAR, NW-51.88' & S-33.09'
2) 1" PIPE, N-33.03'
3) "X" TOP W. CORNER HEADWALL, SW-42.12'

N 89°36'23"E M=1387.88'

1" PIPE

KOLBROOK ROAD

HUSKER OFF-ROAD RIDING CLUB
9000 Kolbrook Road • Denton, Nebraska
RULES FOR MEMBERSHIP

NO LITTERING, if you haul it in, haul it out. This includes your travel coming to and from Husker Off-Road Riding Club on all adjoining roads and highways. Bring your own garbage bags and pick-up after yourself and all family members and friends.

RESPECT the farm ground and the crops around Husker Off-Road Riding Club. Riding is to be done in designated areas within Husker Off-Road Riding Club only.

NO FIREARMS, hunting, or target shooting without permission from the owners. If this permission is given, a signed authorization and release will be needed.

BLIND CROSSINGS, the top of hills, trees, and other riders obscuring your view should be come upon and passed with caution. You are not the only rider and must use good judgement at all times.

HELMETS AND BOOTS ARE REQUIRED. Chest and back protection is highly recommended.

MEMBERS WHO CHRONICALLY DISREGARD THESE RULES will have their membership revoked on the spot.

LIABILITY INSURANCE RECOMMENDED

DISCREPANCIES BETWEEN MEMBERS, it is strongly encouraged for DISCREPANCIES between members to resolved together in a peaceful manner. If this is not possible, please contact the owner of Husker Off-Road Riding Club who will act as mediator and will have the final decision on the outcome.

These rules may be amended, modified and new rules may be added at anytime, deemed necessary by the owners of Husker Off-Road Riding Club, depending on need.

HUSKER OFF-ROAD RIDING CLUB

9000 Kolbrook Road • Denton, Nebraska

2003 MEMBERSHIP DUES

☐ Single Membership \$150⁰⁰

☐ Family Membership \$250⁰⁰
(Husband, Wife & Children under age 18)

☐ One Day Membership \$20⁰⁰

Please sign the release below and send with your check to:

The Husker Off-Road Riding Club
2222 S. 16th Street
Suite 200
Lincoln, NE 68502

Questions? Call David at (402) 430-9708

PLEASE PRINT AND COMPLETE. MAKE CHECKS PAYABLE TO HUSKER OFF-ROAD RIDING CLUB

Date: _____

Name: _____
FIRST MIDDLE INITIAL LAST

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

THIS IS A RELEASE - PLEASE READ AND COMPLETE

I hereby release, and agree to hold harmless the Husker Off-Road Riding Club, the promoters, the owners and leasees of the premises, the participants, and the officers, directors, officials, representatives, agents and employees of all of them, of and from all liability, loss, damage or injury (including death) to my person or property, in any way resulting from, or arising in connection with this club or event, and whether arising while engaged in competition or practice or preparation therefore, or while upon, entering or departing from said premises from any cause whatsoever. I know the risk and danger to myself and property while upon said premises or event, so voluntarily and in reliance upon my own judgement and ability, and I thereby assume all risk for loss, damage or injury (including death) to myself and my property from any cause whatsoever.

Have you completed read this application? _____

I hereby make oath and say that to the best of my knowledge and belief of statements set forth in this report are true and correct.

Member's Signature (please sign in ink only) _____

Please indicate number of persons for a Family Membership _____

**READ CAREFULLY THIS IS A RELEASE
MINOR RELEASE AND WAIVER OF
LIABILITY AND INDEMNITY AGREEMENT
HUSKER OFF-ROAD RIDING CLUB
9000 Kolbrook Road • Denton, Nebraska**

Date _____

I / WE HEREBY RELEASE, WAIVE, COVENANT NOT TO SUE AND DISCHARGE the promoter, participants, racing association, sanctioning organization or any subdivision thereof, track operator, track owner, officials, vehicle owners, drivers, pit crews, any persons in any restricted area, promoters, sponsors, advertisers, owners, leasees of premises used to conduct the event and each of them, their officers and employees, all for the purposes therein referred to as "Releasees" from all liability to the undersigned, my / our personal representatives, assigns, heirs and next of kin or any and all loss or damage and any claim or any demand on account of any injury to the participant included, but not limited to, death whether caused by the negligence of the "releasees," or otherwise while the minor is in or upon the restricted area and / or competing, officiating in, observing, working for or for any purpose participating in the event.

I / we will inform and instruct the said minor participant that upon entering any restricted area the minor must continuously thereafter inspect such restricted area and all portions thereof which the minor enters and with which he comes in contact and I / we further warrant that the minor's entry upon such restricted area or areas and his participation, if any, in the event constitutes an acknowledgment that he, (minor), has inspected such restricted area and that he finds and accepts the same as being safe and reasonably suited for the purposes of his use, and he further agrees and warrants that if, at any time, he is in or about restricted areas and if he feels anything is unsafe, he will immediately advise the officials of such and will leave the restricted areas.

The undersigned expressly acknowledge and agree that the activities of the event are very dangerous and involve a risk of serious injury and / or death and / or property damage.

Each of the undersigned parents or legal guardians for the minor participant agrees to indemnify and save and hold harmless the "Releasees," and each of them from any loss, liability, damage or cost they may incur due to the presence of the said minor in or upon the restricted area or in any way competing, officiating, observing or working for any purpose participating in the event and caused by the Negligence of the "Releasees" or otherwise.

THE UNDERSIGNED PARENTS OR LEGAL GUARDIANS HAVE READ AND VOLUNTARILY SIGN THE MINOR RELEASE AND WAIVE OR LIABILITY AND INDEMNITY AGREEMENT AND FURTHER AGREE THAT NO ORAL REPRESENTATIONS, STATEMENTS OR INDUCEMENTS APART FROM THE FOREGOING WRITTEN AGREEMENT HAVE BEEN MADE.

PRINT NAME OF PARENT OF GUARDIAN

PRINT NAME OF PARTICIPANT

SIGNATURE OF PARENT OF GUARDIAN

SIGNATURE OF WITNESS

ADDRESS

**RELEASE AND WAIVER OF
LIABILITY AND INDEMNITY AGREEMENT
HUSKER OFF-ROAD RIDING CLUB
9000 Kolbrook Road • Denton, Nebraska**

Date Release Signed _____

IN CONSIDERATION of being permitted to enter for any purpose any RESTRICTED AREA (herein defined as including but not limited to the racing surface, pit areas, infield, burn out area, approach area, shut down area, and all walkways, concessions and other areas appurtenant to any area where any activity related to the event shall take place), or being permitted to compete, officiate, observe, work for, or for any purpose participate in any way in the event. **EACH OF THE UNDERSIGNED**, for himself his personal representatives, heirs and next of kin, acknowledges, agrees and represents that he has, or will immediately upon entering any of such restricted areas, and will continuously thereafter, inspect such restricted areas and all portions thereof which he enters and with which he comes in contact, and he does further warrant that his entry upon such restricted area or areas and his participation, if any, in he even constitutes an acknowledgement that he has inspected such restricted area and that he finds and accepts the same as being safe and reasonably suited for the purpose of his use, and he further agrees and warrants that if, at any time, he is in or about restricted areas and he feels anything to be unsafe, he will immediately advise the officials of such and will leave the restricted areas:

1. HEREBY RELEASES, WAIVES, DISCHARGES AND COVENANTS NOT TO SUE the promoter, participants racing association, sanctioning organization or any subdivision thereof, track operator, track owner, officials, car owners, drivers, pit crews, any persons in any restricted area, promoters, sponsors, advertisers, owners and lessees of premises used to conduct the event and each of them, their officers and employees, all for the purposes herein referred to as "releasees", from all liability to the undersigned, his personal representatives, assigns, heirs and next of kin for any and all loss or damage, and any claim or demands therefor on account of injury to the person or property or resulting in death of the undersigned, whether caused by the negligence of the releasees or otherwise property of resulting in death of the undersigned, whether caused by the negligence of the releasees or otherwise while the undersigned is in or upon the restricted area, and / or, competing, officiating in, observing, working for, or for any purpose participating in the event.

2. HEREBY AGREES TO INDEMNIFY AND SAVE AND HOLD HARMLESS the releasees and each of them from any loss, liability, damage, or cost they may incur due to the presence of the undersigned in or upon the restricted area or in any way competing, officiating, observing, or working for, or for any purpose participating in the event and other caused by the negligence of the releasees or otherwise.

3. HEREBY ASSUMES FULL RESPONSIBILITY FOR AN RISK OF BODILY INJURY, DEATH OR PROPERTY DAMAGE due to the negligence of releasees or otherwise while in or upon the restricted area and / or while competing, officiating, observing, or working for or for any purpose participating in the event.

EACH OF THE UNDERSIGNED expressly acknowledges and agrees that the activities of the event are very dangerous and involve the risk of serious injury and / or death and / or property damage. **EACH OF THE UNDERSIGNED** further expressly agrees that the foregoing release, waiver, and indemnity agreement is intended to be as broad and inclusive as is permitted by the law of the Province or State in which the event is conducted and that if any portion thereof is held invalid, it is agreed that the balance shall notwithstanding, continue in full legal force and effect.

THE UNDERSIGNED HAS READ AND VOLUNTARILY SIGNS THE RELEASE AND WAIVER OF LIABILITY AND INDEMNITY AGREEMENT, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

SIGN NAME HERE

PRINT NAME HERE

INSURANCE NAME

CAR NO.

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Lancaster


DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: November 14, 2003
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SPECIAL PERMIT #03084
9600 KOLBROOK ROAD

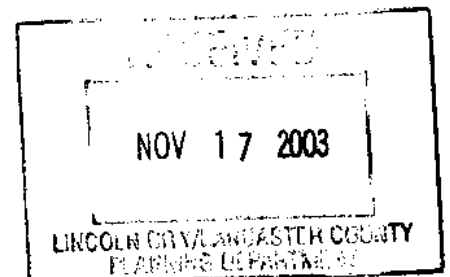
Not being familiar with the Husker Off-Road Riding Club, this office doesn't know what type of off-road riding recreation is proposed.

To that end, this office cannot respond with recommendations for Special Permit #03084.

Would question as how commercialized will the events be?

LWV/cm

SPECIAL PERMITS/03084 Kolbrook Rd Riding Club.Mem



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: November 19, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: *Case # 225*
~~AFP # 03084~~
9600 Kolbrook RD
County Special Permit

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application for the proposed Husker Off-Road Riding Club. The following items are noted:

- The onsite wastewater treatment system serving the proposed restrooms must comply with County Resolution 02-30 pertaining to onsite wastewater treatment systems. If the proposed system generates over 1000 gallons per day of effluent or does not meet the requirements of design standards adopted in the resolution it will be necessary to install a non-standard system. A non-standard system requires a Nebraska Department of Environmental Quality permit.
- The water well serving the property may need to comply with The Nebraska Safe Drinking Water Act. The need to comply with the Act is based on usage. The property may not initially fall under the requirements of the Act. Increased usage may force compliance with the Act.
- The LLCHD has concerns regarding noise pollution from the machines and activities that will accompany this special permit. This concern will be magnified during sponsored races with increased riders and spectators. While Lancaster County does not currently have a noise resolution, Lincoln Municipal Code 8.24 Noise Control Ordinance does provide guidance on what are acceptable noise levels for Lincoln's residents. See the table below for the sound levels for the receiving land-use. The LLCHD strongly recommends that mufflers and spark arresters be used at all times, including races, to help minimize noise pollution from the off-road vehicles.

Receiving Land-Use Category	Time	Sound Level Limit in dB(A) Maximum Ten Minute Leq Level
Residential	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
Noise-Sensitive Zone or Agricultural Residential	7:00 a.m. - 10:00 p.m.	50
	10:00 p.m. - 7:00 a.m.	60
Commercial or Business	At All Times	70
Industrial	At All Times	75
Agricultural	6:00 a.m. - 10:00 p.m.	75
	10:00 p.m. - 6:00 a.m.	50

- The applicant must also comply with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. This states that no person may cause or permit a building or its appurtenances or a *road*, or a *driveway*, or an *open area* to be constructed, *used*, repaired or demolished without applying all such reasonable measures to prevent particulate matter from becoming airborne so that it remains visible beyond the premises where it originates.
- If fuels, oil, antifreeze, or other lubricants will be stored on-site, the LLCHD recommends that the applicant install secondary containment to minimize the possibility of environmental contamination from spills, leaks, etc.
- Depending on what types of barriers are used on the track, old tires, etc., standing water could be a potential problem by providing a suitable mosquito breeding habitat. The LLCHD recommends selecting barriers and designing, constructing, and maintaining storm water structure(s) and drainage way(s) to minimize the harborage and breeding of mosquitos.



Terry A Kathe

11/26/2003 10:26 AM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: Motorcycle track

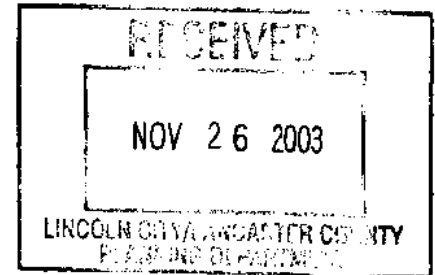
Mike-

After reviewing the proposed special permit for a moto-cross track club, this department has the following comments;

1. This department has recieved 2 complaints on the use as it exists today on noise disturbance, dust and traffic.
2. Any building construction would require a building permit for non-farm buildings.
3. I am not sure if the race track fits the definition of a recreational facility; most of the events listed in the definition are non-motorized events
and are court games or field games, with no reference to motorized racing sports.
4. Parking cannot be calculated unless an occupancy on the premise is set. If race events are held then parking would have to be
more closely scrutinized.
5. Recreational use does not allow for stadia. So I don't believe events would not allow for bleacher type seating.

TK

8101 W. Mountain Ash Drive
Denton, Nebraska 68339
797-8101



November 24, 2003

Mike DeKalb
555 So. 10th St., Suite 213
Lincoln, Nebraska

Re: AFP #03084
9600 Kolbrook RD
County Special Permit

Dear Mr. DeKalb,

We were informed on Friday evening, November 21, 2003 of the intentions of David Samani to operate an off road motorcycle club at 9600 Kolbrook Road. To the best of our knowledge, only three homes of a seventeen home development were notified of an informational meeting held by Mr. Samani on Saturday, November 22 to discuss the proposed riding club.

We have lived at our present address for six years. Over the past six years, the previous owners of 9600 Kolbrook Road have operated off road bikes for personal use. Even though we are 1 ½ miles away, the noise from even one or two bikes has been a great disturbance. Therefore, we object to the proposal by Mr. Samani.

Our concerns:

- 1) Noise pollution to the surrounding area
- 2) Air pollution to the surrounding area
- 3) Disruption to area wildlife
- 4) Destruction of pristine prairie land
- 5) Increased probability of alcoholic beverage use
- 6) Increased litter to countryside and roads
- 7) County road maintenance (due to increased traffic)
- 8) Decrease in property value of surrounding homeowners

As we are sure you know, Spring Creek Prairie and the Yankee Hill Wildlife Refuge are both located within close proximity of the proposed riding club. We quote, "The mission of Audubon Nebraska is to promote the enjoyment, understanding, and conservation of Nebraska's natural heritage, especially native birds, other wildlife, and habitat. It accomplishes this mission at Spring Creek Prairie, impacting important wildlife habitat and fulfilling a critical need for nature education through an expanding nationwide network of Audubon Centers. Spring Creek Prairie is a 626-acre prairie sanctuary including springs, ponds, wetlands, woodlands, and nearly 500 acres of native tallgrass prairie. Spring Creek Prairie offers programs for school children and families that utilize the diverse ecosystems of the property and offers opportunities for hands-on experiences with Nebraska's natural and human history."

We fail to see how Mr. Samani's proposed off road bike club fits into a plan to preserve this area as a possible greenbelt area, protected by such agencies as the Audubon Society and others as a gift to this and future generations.

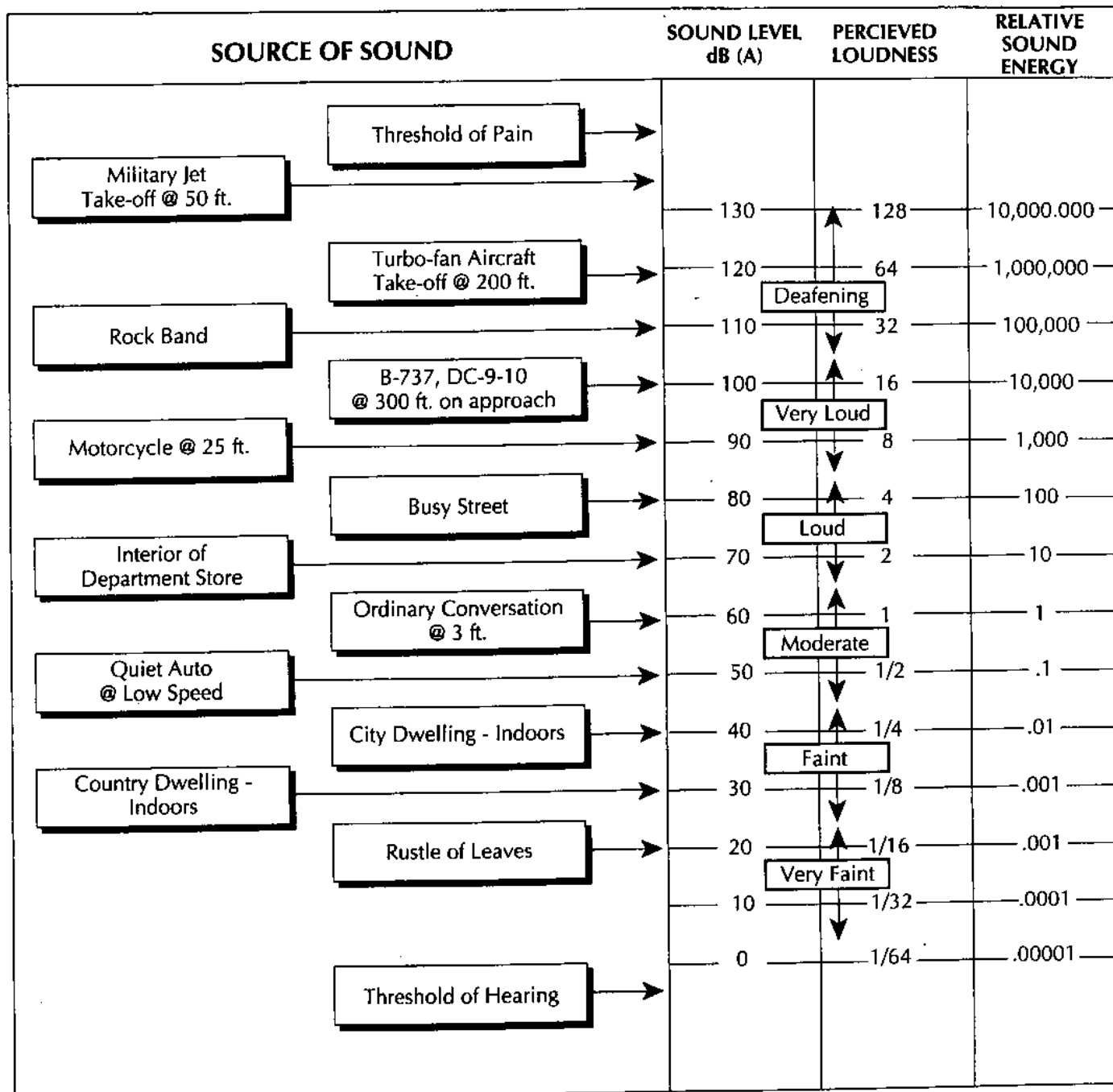
We ask that you reject Mr. Samani's proposal and preserve this beautiful area, which is so close to Lincoln and can therefore be enjoyed by many and used to educate and instruct.

Respectfully,

Two handwritten signatures in cursive. The first signature is "John R. Muir" and the second is "Sandra Muir".

John and Sandra Muir

Figure 1. Typical Sound Levels



Source: Coffman Associates, Inc., Master Plan Update and Noise Exposure Map Update, Port Columbus International Airport.